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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,279	08/27/2001	Nicholas S. Waylett	A-70598/MSS/WEN	4556

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

940279

Applicant(s)

Waylett et al

Examiner

Smith, C.H.

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6, 8-13, 15-19 is/are rejected.
- ☒ Claim(s) 7, 14, 20 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 8, 9, 15, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Csapo et al

Csapo et al disclose in Fig. 9 a Base Station Transceiver (BTS) subsystem. Csapo separates his BTS into a radio part (PRU-110) and a main part (PMU-105), with the PRU transmitting and receiving signals through antenna 120. In col. 9, lines 33-41, Csapo discloses that "[t]he separation of PRU 110 and PMU 105 allows the PRU to be installed close to antenna 120. Since in practice power losses in the antenna cable degrade receiver sensitivity, and reduce transmit power at a 1:1 ratio, locating the PRU in close proximity to antenna 120 maximizes the performance of the BTS 100. The location of the PRU also reduces power and signal losses through a cable and thereby may save energy and increase efficiency. For claim 2, Csapo et al disclose a 3 dB loss in col. 2, lines 50-55.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Csapo et al.

To specify the antenna's power as 27 or 34 dBm is deemed a matter of design choice based upon the system's operating requirements.

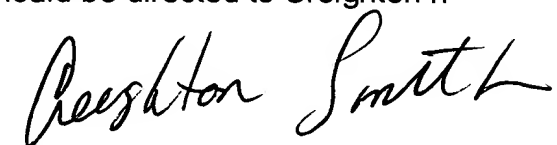
Claims 5, 6, 11-13, 18, & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Csapo et al in view of Judd et al.

Judd et al cell phone system includes the backhaul link; fig. 8 and col. 8, lines 35-64. To have provided a backhaul link in Csapo et al cell phone system would have been obvious to a person having ordinary skill in the art because of the need for communicating with ground based equipment.

Claims 7, 14, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

17 June '04



Creighton h Smith
Primary Examiner
Art Unit 2645